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Legislative History – Montana Session Law

Chapter: 332	Session L: 2023	Checklist of Bill History	
Bill Number: SB 158		History and Final Status Sheet	x
		Introduced Bill	x
		Fiscal Note	No fiscal note
		Third Reading Bill	x
		Final Version of Bill	x

House	Senate
Committee: Local Government	Committee: Local Government
Hearing Date(s): 3-21-23	Hearing Date(s): 1-13-23
Committee Report: 3-27-23	Committee Report: 1-17-23
Conference Committee	

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: JM

Date: 11/19/23

Notes: Committee meetings can be viewed here: <https://www.legmt.gov/lspd/>. Click on Now Streaming in the top right corner then choose date.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
05/02/23	Chapter Number Assigned				
05/01/23	(S) Signed by Governor				
04/24/23	(S) Transmitted to Governor				
04/22/23	(H) Signed by Speaker				
04/19/23	(S) Signed by President				
04/13/23	(C) Printed - Enrolled Version Available				
04/13/23	(S) Returned from Enrolling				
04/07/23	(S) Sent to Enrolling				
04/06/23	(H) Returned to Senate				
04/06/23	(H) 3rd Reading Concurred		66	27	
04/06/23	(H) Scheduled for 3rd Reading				
04/05/23	(H) 2nd Reading Concurred		65	34	
04/05/23	(H) Scheduled for 2nd Reading				
03/27/23	(H) Committee Report--Bill Concurred	(H) Local Government			
03/25/23	(H) Committee Executive Action--Bill Concurred	(H) Local Government	12	4	
03/21/23	(H) Hearing	(H) Local Government			
03/11/23	(H) First Reading				
03/11/23	(H) Referred to Committee	(H) Local Government			
01/26/23	(S) Transmitted to House				
01/25/23	(S) 3rd Reading Passed		33	16	
01/25/23	(S) Scheduled for 3rd Reading				
01/24/23	(S) 2nd Reading Passed		33	16	
01/24/23	(S) 2nd Reading Motion to Amend Failed		16	33	
01/24/23	(S) Scheduled for 2nd Reading				
01/17/23	(S) Committee Report--Bill Passed as Amended	(S) Local Government			
01/17/23	(C) Printed - New Version Available				
01/13/23	(S) Committee Executive Action--Bill Passed as Amended	(S) Local Government	6	3	
01/13/23	(S) Hearing	(S) Local Government			
01/13/23	(C) Amendments Available				
01/11/23	(S) First Reading				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
01/11/23	(C) Introduced Bill Text Available Electronically				
01/11/23	(S) Referred to Committee	(S) Local Government			
01/11/23	(S) Introduced				
01/11/23	(C) Draft Delivered to Requester				
01/10/23	(C) Draft Ready for Delivery				
01/10/23	(C) Executive Director Final Review				
01/10/23	(C) Draft Ready for Delivery				
01/10/23	(C) Draft in Assembly				
01/09/23	(C) Executive Director Review				
01/09/23	(C) Bill Draft Text Available Electronically				
01/09/23	(C) Draft in Final Drafter Review				
01/09/23	(C) Draft in Input/Proofing				
01/09/23	(C) Draft to Drafter - Edit Review				
01/09/23	(C) Draft in Edit				
01/04/23	(C) Draft in Legal Review				
01/04/23	(C) Draft to Requester for Review				
12/16/22	(C) Draft to Requester for Review				
12/04/22	(C) Draft Request Received				

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~ shall must be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary

lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of 76-3-211;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1);

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is adopted for the purpose of evading this chapter, if the division:

(A) is within a subdivision that has been approved by a local governing body;

(B) creates parcels of a size allowed within the subdivision; and

(C) is gifted or sold to a member of the landowner's immediate family; ~~or~~

(ii) an amended plat must be filed with the county clerk and recorder after a division provided in subsection (2)(b)(i) occurs; ~~and~~

(iii) except as otherwise provided in this subsection (2)(b), a restriction or requirement on the platted subdivision continues to apply to a division allowed in subsection (2)(b)(i);

(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes; and

(d) a division of land transferred to an immediate family member pursuant to subsection (1)(b) or (1)(c) may be transferred regardless of age and may be owned jointly with that immediate family member's spouse.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

(5) An immediate family member or the spouse of an immediate family member who receives a division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land for a period of up to 2 years after the date of the division unless the governing body sets a period of less than 2 years. A governing body may authorize variances from these requirements to address hardship situations.

(6) If a governing body can prove by documented evidence in a court of competent jurisdiction that a person has knowingly ~~attempted to evade~~ evaded subdivision regulations through the use of a division of land pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

1 land, payable to the governing body."

2

3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

4 - END -

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~ shall must be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

- 1 (a) divisions made outside of platted subdivisions for the purpose of relocating common boundary
2 lines between adjoining properties;
- 3 (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each
4 county to each member of the landowner's immediate family;
- 5 (c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in
6 which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs
7 with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the
8 provisions of 76-3-211;
- 9 (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;
- 10 (e) divisions made for the purpose of relocating a common boundary line between a single lot
11 within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the
12 original platted lot or original unplatted parcel continues to apply to those areas.
- 13 (f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the
14 boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are
15 established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply
16 to those areas.
- 17 (2) Notwithstanding the provisions of subsection (1);
- 18 (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or
19 rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or
20 more lots must be reviewed and approved by the governing body before an amended plat may be filed with the
21 county clerk and recorder;
- 22 (b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is
23 subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is
24 adopted for the purpose of evading this chapter, if the division:
- 25 (A) is within a subdivision that has been approved by a local governing body;
26 (B) creates parcels of a size allowed within the subdivision; and
27 (C) is gifted or sold to a member of the landowner's immediate family; or

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

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Drafter: Toni Henneman, 406-444-3593

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(ii) an amended plat must be filed with the county clerk and recorder after a division provided in subsection (2)(b)(i) occurs; AND

(iii) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2)(B), A RESTRICTION OR REQUIREMENT ON THE PLATTED SUBDIVISION CONTINUES TO APPLY TO A DIVISION ALLOWED IN SUBSECTION (2)(B)(i); and

~~(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes; and~~

~~(d)(c)~~ a division of land transferred to an immediate family member pursuant to subsection (1)(b) or (1)(c) may be TRANSFERRED REGARDLESS OF AGE AND MAY BE owned jointly with that immediate family member's spouse.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

(5) An immediate family member or the spouse of an immediate family member who receives a division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land for a period of UP TO 2 years after the date of the division unless the governing body sets a period of less than 2 years. A governing body may authorize variances from these requirements to address hardship situations.

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

1 (6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
2 a person has knowingly attempted to evade EVADED subdivision regulations through the use of a division of land
3 pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of
4 land, payable to the governing body."

5

6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

7

- END -

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~ shall must be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of 76-3-211;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1);

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is adopted for the purpose of evading this chapter, if the division:

(A) is within a subdivision that has been approved by a local governing body;

(B) creates parcels of a size allowed within the subdivision; and

(C) is gifted or sold to a member of the landowner's immediate family; or

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

(ii) an amended plat must be filed with the county clerk and recorder after a division provided in subsection (2)(b)(i) occurs; AND

(iii) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2)(B), A RESTRICTION OR REQUIREMENT ON THE PLATTED SUBDIVISION CONTINUES TO APPLY TO A DIVISION ALLOWED IN SUBSECTION (2)(B)(i); and

~~(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes; and~~

~~(d)(c)~~ a division of land transferred to an immediate family member pursuant to subsection (1)(b) or (1)(c) may be TRANSFERRED REGARDLESS OF AGE AND MAY BE owned jointly with that immediate family member's spouse.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

(5) An immediate family member or the spouse of an immediate family member who receives a division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land for a period of UP TO 2 years after the date of the division unless the governing body sets a period of less than 2 years. A governing body may authorize variances from these requirements to address hardship situations.

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

1 (6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
2 a person has knowingly attempted to evade EVADED subdivision regulations through the use of a division of land
3 pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of
4 land, payable to the governing body."

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6 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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- END -

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of 76-3-211;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

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(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1);

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is adopted for the purpose of evading this chapter, if the division:

(A) is within a subdivision that has been approved by a local governing body;

(B) creates parcels of a size allowed within the subdivision; and

(C) is gifted or sold to a member of the landowner's immediate family; ~~or~~

(ii) an amended plat must be filed with the county clerk and recorder after a division provided in subsection (2)(b)(i) occurs; and

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

(iii) except as otherwise provided in this subsection (2)(b), a restriction or requirement on the platted subdivision continues to apply to a division allowed in subsection (2)(b)(i);

(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes; and

(d) a division of land transferred to an immediate family member pursuant to subsection (1)(b) or (1)(c) may be transferred regardless of age and may be owned jointly with that immediate family member's spouse.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

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(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

(5) An immediate family member or the spouse of an immediate family member who receives a division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land for a period of up to 2 years after the date of the division unless the governing body sets a period of less than 2 years. A governing body may authorize variances from these requirements to address hardship situations.

(6) If a governing body can prove by documented evidence in a court of competent jurisdiction that a person has knowingly ~~attempted to evade~~ evaded subdivision regulations through the use of a division of land pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

1 land, payable to the governing body."

2

3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

4 - END -

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~ shall must be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of 76-3-211;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1);

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is adopted for the purpose of evading this chapter, if the division:

(A) is within a subdivision that has been approved by a local governing body;

(B) creates parcels of a size allowed within the subdivision; and

(C) is gifted or sold to a member of the landowner's immediate family; or

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

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Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

(ii) an amended plat must be filed with the county clerk and recorder after a division provided in subsection (2)(b)(i) occurs; AND

(iii) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2)(B), A RESTRICTION OR REQUIREMENT ON THE PLATTED SUBDIVISION CONTINUES TO APPLY TO A DIVISION ALLOWED IN SUBSECTION (2)(B)(i); and

~~(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes; and~~

~~(d)(c)~~ a division of land transferred to an immediate family member pursuant to subsection (1)(b) or (1)(c) may be TRANSFERRED REGARDLESS OF AGE AND MAY BE owned jointly with that immediate family member's spouse.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

(5) An immediate family member or the spouse of an immediate family member who receives a division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land for a period of UP TO 2 years after the date of the division unless the governing body sets a period of less than 2 years. A governing body may authorize variances from these requirements to address hardship situations.

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of Whole

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.002.001

1 (6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
2 a person has knowingly attempted to evade EVADED subdivision regulations through the use of a division of land
3 pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of
4 land, payable to the governing body."

5

6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

7

- END -

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~ shall ~~must~~ be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary

1 lines between adjoining properties;

2 (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each
3 county to each member of the landowner's immediate family;

4 (c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in
5 which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs
6 with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the
7 provisions of 76-3-211;

8 (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

9 (e) divisions made for the purpose of relocating a common boundary line between a single lot
10 within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the
11 original platted lot or original unplatted parcel continues to apply to those areas.

12 (f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the
13 boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are
14 established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply
15 to those areas.

16 (2) Notwithstanding the provisions of subsection (1);

17 (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or
18 rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or
19 more lots must be reviewed and approved by the governing body before an amended plat may be filed with the
20 county clerk and recorder;

21 (b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is
22 subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is
23 adopted for the purpose of evading this chapter, if the division:

24 (A) is within a subdivision that has been approved by a local governing body;

25 (B) creates parcels of a size allowed within the subdivision; and

26 (C) is gifted or sold to a member of the landowner's immediate family; or

27 (ii) an amended plat must be filed with the county clerk and recorder after a division provided in
28 subsection (2)(b)(i) occurs;

1 (c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is
2 allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows
3 for smaller lot sizes; and

4 (d) a division of land transferred to an immediate family member pursuant to subsection (1)(b) or
5 (1)(c) may be owned jointly with that immediate family member's spouse.

6 (3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless
7 the county treasurer has certified that all real property taxes and special assessments assessed and levied on
8 the land to be divided have been paid.

9 (b) (i) If a division of land includes centrally assessed property and the property taxes applicable to
10 the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate
11 the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed
12 property shall ensure that the prorated real property taxes and special assessments are paid on the land being
13 sold before the division of land is made.

14 (ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
15 (3)(b) as a partial payment of the total tax that is due.

16 (4) The governing body may examine a division or aggregation of land to determine whether or not
17 the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to
18 exceed \$200, for the examination.

19 (5) An immediate family member or the spouse of an immediate family member who receives a
20 division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land
21 for a period of 2 years after the date of the division unless the governing body sets a period of less than 2
22 years. A governing body may authorize variances from these requirements to address hardship situations.

23 (6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
24 a person has knowingly attempted to evade subdivision regulations through the use of a division of land
25 pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of
26 land, payable to the governing body."

27
28 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

68th Legislature 2023

SB 158.1

1

- END -

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~ shall ~~must~~ be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary

lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of 76-3-211;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1);

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is adopted for the purpose of evading this chapter, if the division:

(A) is within a subdivision that has been approved by a local governing body;

(B) creates parcels of a size allowed within the subdivision; and

(C) is gifted or sold to a member of the landowner's immediate family; or

(ii) an amended plat must be filed with the county clerk and recorder after a division provided in subsection (2)(b)(i) occurs; AND

1 (iii) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2)(B), A RESTRICTION OR REQUIREMENT ON
2 THE PLATTED SUBDIVISION CONTINUES TO APPLY TO A DIVISION ALLOWED IN SUBSECTION (2)(B)(i);
3 (c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is
4 allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows
5 for smaller lot sizes; and
6 (d) a division of land transferred to an immediate family member pursuant to subsection (1)(b) or
7 (1)(c) may be TRANSFERRED REGARDLESS OF AGE AND MAY BE owned jointly with that immediate family member's
8 spouse.
9 (3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless
10 the county treasurer has certified that all real property taxes and special assessments assessed and levied on
11 the land to be divided have been paid.
12 (b) (i) If a division of land includes centrally assessed property and the property taxes applicable to
13 the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate
14 the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed
15 property shall ensure that the prorated real property taxes and special assessments are paid on the land being
16 sold before the division of land is made.
17 (ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
18 (3)(b) as a partial payment of the total tax that is due.
19 (4) The governing body may examine a division or aggregation of land to determine whether or not
20 the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to
21 exceed \$200, for the examination.
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23 division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land
24 for a period of UP TO 2 years after the date of the division unless the governing body sets a period of less than 2
25 years. A governing body may authorize variances from these requirements to address hardship situations.
26 (6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
27 a person has knowingly attempted to evade EVADED subdivision regulations through the use of a division of land
28 pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of

1 land, payable to the governing body."

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

4 - END -

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET; PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY; AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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3 county to each member of the landowner's immediate family;

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5 which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs
6 with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the
7 provisions of 76-3-211;

8 (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

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11 original platted lot or original unplatted parcel continues to apply to those areas.

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14 established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply
15 to those areas.

16 (2) Notwithstanding the provisions of subsection (1);

17 (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or
18 rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or
19 more lots must be reviewed and approved by the governing body before an amended plat may be filed with the
20 county clerk and recorder;

21 (b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is
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23 adopted for the purpose of evading this chapter, if the division:

24 (A) is within a subdivision that has been approved by a local governing body;

25 (B) creates parcels of a size allowed within the subdivision; and

26 (C) is gifted or sold to a member of the landowner's immediate family; or

27 (ii) an amended plat must be filed with the county clerk and recorder after a division provided in
28 subsection (2)(b)(i) occurs;

1 (c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is
2 allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows
3 for smaller lot sizes; and

4 (d) a division of land transferred to an immediate family member pursuant to subsection (1)(b) or
5 (1)(c) may be owned jointly with that immediate family member's spouse.

6 (3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless
7 the county treasurer has certified that all real property taxes and special assessments assessed and levied on
8 the land to be divided have been paid.

9 (b) (i) If a division of land includes centrally assessed property and the property taxes applicable to
10 the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate
11 the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed
12 property shall ensure that the prorated real property taxes and special assessments are paid on the land being
13 sold before the division of land is made.

14 (ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
15 (3)(b) as a partial payment of the total tax that is due.

16 (4) The governing body may examine a division or aggregation of land to determine whether or not
17 the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to
18 exceed \$200, for the examination.

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20 division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land
21 for a period of 2 years after the date of the division unless the governing body sets a period of less than 2
22 years. A governing body may authorize variances from these requirements to address hardship situations.

23 (6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
24 a person has knowingly attempted to evade subdivision regulations through the use of a division of land
25 pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of
26 land, payable to the governing body."

27
28 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

68th Legislature 2023

SB 158.1

1

- END -

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) LOCAL GOVERNMENT

Call to Order: Chair Sen. Chris Friedel-R, on January 13, 2023 at 2:01 PM, in 405

ROLL CALL

Members Present: Sen. Chris Friedel, Chair (R)
Sen. Kenneth Bogner, Vice Chair (R)
Sen. Mary Ann Dunwell, Vice Chair (D)
Sen. Forrest Mandeville (R)
Sen. Christopher Pope (D)
Sen. Jeremy Trebas (R)
Sen. Terry Vermeire (R)

Members Excused: Sen. Ellie Boldman (D)
Sen. Daniel Zolnikov (R)

Staff Present: Toni Henneman, Research Analyst
Lorna Mason, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 152 01/11/2023
SB 158 01/11/2023

Executive Action:

SB 130 DO PASS AS AMENDED
SB 131 DO PASS
SB 158 DO PASS AS AMENDED

HEARING ON SB 158 - Revise family transfer law

Opening Statement:

14:02:35 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB 158, Revise family transfer law.

Proponent Testimony:

None

Opponent Testimony:

14:03:53 Brian Thompson, Montana Association of Registered Land Surveyors (MARLS)

14:06:28 Ann Schwend, Montana Environmental Informational Center (MEIC)

14:07:50 Sean O'Callaghan, Montana Association of Planners

14:09:03 Ginger Kunz, Jefferson County Clerk

14:09:42 Tim Worley, Missoula County

Informational Witness Testimony:

None

Questions from Committee:

14:12:21 Sen. Mary Ann Dunwell

14:16:57 Sen. Jason Ellsworth-R

14:18:42 Sen. Forrest Mandeville

14:21:39 Sen. Jason Ellsworth-R

14:23:07 Sen. Kenneth Bogner

14:23:21 Sen. Jason Ellsworth-R

14:24:15 Sen. Christopher Pope

14:26:04 Sen. Kenneth Bogner left the meeting.

14:28:24 Sen. Jason Ellsworth-R

14:29:16 Sen. Mary Ann Dunwell

14:30:26 Sen. Jason Ellsworth-R
14:31:39 Sen. Mary Ann Dunwell
14:40:09 Brian Thompson, MARLS
14:41:10 Sen. Forrest Mandeville
14:44:13 Brian Thompson, MARLS
14:45:37 Sen. Chris Friedel
14:50:01 Sen. Jason Ellsworth-R

Closing Statement:

14:51:01 Sen. Jason Ellsworth (R), SD 43, closed the hearing on SB 158.

HEARING ON SB 152 - Revise minor subdivision laws

Opening Statement:

14:39:26 Sen. Forrest Mandeville (R), SD 57, opened the hearing on SB 152, Revise minor subdivision laws.

Proponent Testimony:

14:43:25 Sam Still, Montana Association of Realtors (MAR)
14:43:58 Brian Thompson, Montana Association of Land Surveyors (MARLS)
14:44:28 Sean O'Callaghan, Montana Association of Planners

Opponent Testimony:

14:45:51 Karen Alley, Montana Association of Counties (MACo)
14:50:46 Ann Schwend, Montana Environmental Informational Center (MEIC)

Informational Witness Testimony:

None

Questions from Committee:

14:22:34 Sen. Kenneth Bogner
14:52:38 Sen. Mary Ann Dunwell

14:53:24 Karen Alley, MACo
14:54:46 Sen. Mary Ann Dunwell
14:54:58 Sen. Forrest Mandeville-R
15:58:37 Sen. Ellie Boldman joined the meeting.

Closing Statement:

14:58:23 Sen. Forrest Mandeville (R), SD 57, closed the hearing on SB 152.

EXECUTIVE ACTION ON SB 130 - Allow for a county consolidated land use board

15:11:25 **Motion:** Sen. Forrest Mandeville moved that **SB 130 DO PASS.**
15:12:48 **Motion:** Sen. Forrest Mandeville moved that **SB 130 BE AMENDED.**
15:12:48 **Vote:** Motion carried unanimously by voice vote.
15:14:20 **Motion:** Sen. Forrest Mandeville moved that **SB 130 DO PASS AS AMENDED.**
15:14:20 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 131 - Revise exempt subdivision review timelines

15:13:37 **Motion:** Sen. Forrest Mandeville moved that **SB 131 DO PASS.**
15:13:37 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 158 - Revise family transfer law

15:14:44 **Motion:** Sen. Forrest Mandeville moved that **SB 158 DO PASS.**
15:14:50 **Motion:** Sen. Forrest Mandeville moved that **SB 158 BE AMENDED.**
15:14:50 **Vote:** Motion carried unanimously by voice vote.
15:15:35 **Motion:** Sen. Forrest Mandeville moved that **SB 158 DO PASS AS AMENDED.**
15:15:35 **Vote:** Motion carried 6 - 3 by voice vote with Sen. Boldman, Sen. Dunwell, Sen. Pope, voting no.
Sen. Boldman, By Proxy

ADJOURNMENT

Adjournment: 15:22:38

Lorna Mason, Secretary

Additional Documents: [EXHIBIT\(230113LOSaad\)EXHIBIT\(230113LOSaad\)](#)



2023 Session

Additional Documents

May include the following:

- Business Report
- Roll Call -Attendance
- Standing Committee Reports
- Tabled Bills
- Fiscal Reports [if any]
- Roll Call Votes
- Proxy's
- Visitors sign in sheet.
- Informational Item's
- Witness Statements
- Zoom/Internet Testimony Information
- Any other type of documents such as:
@ Petitions, {if any} Emails, all documents given to
Committee Secretary after meeting. The original
exhibit/items are on file at the Montana Historical
Society and may be viewed there.

BUSINESS REPORT
MONTANA SENATE
REGULAR
(S) Local Government

Date: 01/13/2023

Time: 2:00 P M

Place: Capitol

Room: 405

BILLS and RESOLUTIONS HEARD:

SB 152 Revise minor subdivision laws - Sen. Forrest Mandeville

SB 158 Revise family transfer law - Sen. Jason Ellsworth

EXECUTIVE ACTION TAKEN:

SB 130:

SB 130 Do Pass as Amended

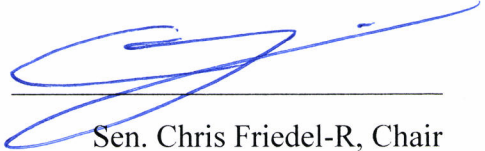
SB 131:

SB 131 Do Pass

SB 158:

SB 158 Do Pass as Amended

Comments:



Sen. Chris Friedel-R, Chair

Senate

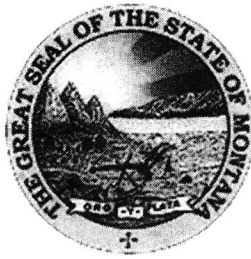
Roll Call

(S) Local Government

DATE: 01/13/2023

TIME: 2:00 PM

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
Bogner, Kenneth	X	
Boldman, Ellie		X
Dunwell, Mary Ann	X	
Friedel, Chris	X	
Mandeville, Forrest	X	
Pope, Christopher	X	
Trebas, Jeremy	X	
Vermeire, Terry	X	
Zolnikov, Daniel		X



Senate Standing Committee Report

January 13, 2023

page 1 of 1

To the President,

We, your committee on **(S) Local Government** report that **Senate Bill 130** (first reading copy – white) **Do Pass as Amended**. The referenced amendment is SB0130.001.001

Signed: _____

Sen. Chris Friedel-R, Chair

-End-

Committee Vote:

Yes 9, No 0

Amendment - 1st Reading-white - Requested by: Forrest Mandeville - (S) Local Government

68th Legislature

Drafter: Toni Henneman, 406-444-3593

SB0130.001.001

SENATE BILL NO. 130

INTRODUCED BY F. MANDEVILLE, M. DUNWELL, G. HERTZ, C. FRIEDEL, D. ZOLNIKOV, J. TREBAS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS AND THE GOVERNING BODY OF A MUNICIPALITY TO CONSOLIDATE A PLANNING BOARD OR PLANNING BOARDS, A ZONING COMMISSION, OR A BOARD OF ADJUSTMENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Consolidated land use boards -- zoning commission, planning board, and board of adjustment. (1) The board of county commissioners governing body of a city, county, or consolidated city-county may consolidate any combination of a planning board or planning boards as authorized in Title 76, chapter 1, a zoning commission as provided in 76-2-220 and 76-2-307, and a board of adjustment as provided in 76-2-221 and 76-2-321 into a consolidated land use board.

(2) The requirements regarding the duties and roles of a planning board as provided in Title 76, chapter 1, a zoning commission as provided in Title 76, chapter 2, part parts 2 and 3, and a board of adjustment as provided in Title 76, chapter 2, part parts 2 and 3, apply to a consolidated land use board.

(3) A consolidated land use board allowed under this section shall adopt bylaws that clearly define the roles and duties of a member when acting as a planning board member, a zoning commission member, or a board of adjustment member.

(4) (a) Except as provided in subsection (4)(b), a consolidated land use board allowed under this section must consist of at least five appointed citizen members that reside in-the-county within the jurisdictional area of the consolidated land use board and who may be removed by the appointing authority. A vacancy on a consolidated land use board must be filled by the appointing authority.

(b) If a consolidated land use board includes the consolidation of a joint or consolidated board as allowed in 76-1-112 or a city-county planning board as allowed in 76-1-201, the consolidated land use board must consist of at least nine appointed citizen members as required in 76-1-201.

(5) The requirements provided in Title 76, chapter 1, and in Title 76, chapter 2, part parts 2 and 3,

Amendment - 1st Reading-white - Requested by: Forrest Mandeville - (S) Local Government

68th Legislature

Drafter: Toni Henneman, 406-444-3593

SB0130.001.001

1 regarding the number, qualification, and removal of members on a planning board, zoning commission, or
2 board of adjustment do not apply to a consolidated land use board allowed under this section.

3
4 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
5 integral part of Title 76, chapter 1, part 1, and the provisions of Title 76, chapter 1, part 1, apply to [section 1].

6 - END -



Senate Standing Committee Report

January 13, 2023

page 1 of 1

To the President,

We, your committee on (S) **Local Government** report that **Senate Bill 131** (first reading copy – white) **Do Pass**.

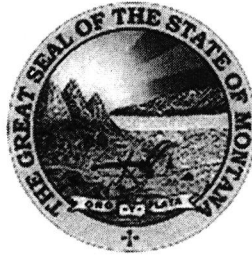
Signed: _____

Sen. Chris Friedel-R, Chair

-End-

Committee Vote:

Yes 9, No 0



Senate Standing Committee Report

January 13, 2023

page 1 of 1

To the President,

We, your committee on **(S) Local Government** report that **Senate Bill 158** (first reading copy – white) **Do Pass as Amended**. The referenced amendment is SB0158.001.001.

Signed: _____

-End-

Sen. Chris Friedel-R, Chair

Committee Vote:

Yes 6, No 3

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government
- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

SENATE BILL NO. 158

INTRODUCED BY J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FAMILY TRANSFER LAW; PROVIDING AN
EXEMPTION FROM ADDITIONAL SUBDIVISION REVIEWS IF CERTAIN CONDITIONS ARE MET;
PROVIDING AN EVIDENTIARY STANDARD FOR COURT PROCEEDINGS; PROVIDING A PENALTY;
AMENDING SECTIONS 76-3-105 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-105, MCA, is amended to read:

"76-3-105. Violations. ~~Any Except as provided in 76-3-207, any~~ person who violates any provision of
this chapter or any local regulations adopted pursuant ~~thereto to this chapter~~ shall be guilty of a misdemeanor
and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not
more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of
land in violation of any provision of this chapter or any local regulation adopted pursuant ~~thereto to this chapter~~
shall must be deemed a separate and distinct offense."

Section 2. Section 76-3-207, MCA, is amended to read:

**"76-3-207. Divisions or aggregations of land exempted from review but subject to survey
requirements and zoning regulations -- exceptions -- fees for examination of division.** (1) Except as
provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter,
the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot
created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying
requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to
applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government

- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

1 lines between adjoining properties;

2 (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each
3 county to each member of the landowner's immediate family;

4 (c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in
5 which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs
6 with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the
7 provisions of 76-3-211;

8 (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

9 (e) divisions made for the purpose of relocating a common boundary line between a single lot
10 within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the
11 original platted lot or original unplatted parcel continues to apply to those areas.

12 (f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the
13 boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are
14 established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply
15 to those areas.

16 (2) Notwithstanding the provisions of subsection (1);:

17 (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or
18 rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or
19 more lots must be reviewed and approved by the governing body before an amended plat may be filed with the
20 county clerk and recorder;:

21 (b) (i) a division within a platted subdivision is exempt from additional subdivision reviews and is
22 subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is
23 adopted for the purpose of evading this chapter, if the division:

24 (A) is within a subdivision that has been approved by a local governing body;

25 (B) creates parcels of a size allowed within the subdivision; and

26 (C) is gifted or sold to a member of the landowner's immediate family; ~~or~~

27 (ii) an amended plat must be filed with the county clerk and recorder after a division provided in
28 subsection (2)(b)(i) occurs; and

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government
- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

(iii) except as otherwise provided in this subsection (2)(b), a restriction or requirement on the
platted subdivision continues to apply to a division allowed in subsection (2)(b)(i):

(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is
allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows
for smaller lot sizes; and

(d) a division of land transferred to an immediate family member pursuant to subsection (1)(b) or
(1)(c) may be transferred regardless of age and may be owned jointly with that immediate family member's
spouse.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless
the county treasurer has certified that all real property taxes and special assessments assessed and levied on
the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to
the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate
the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed
property shall ensure that the prorated real property taxes and special assessments are paid on the land being
sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
(3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not
the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to
exceed \$200, for the examination.

(5) An immediate family member or the spouse of an immediate family member who receives a
division of land pursuant to subsection (1)(b) or (2)(b) may not transfer or otherwise convey the division of land
for a period of up to 2 years after the date of the division unless the governing body sets a period of less than 2
years. A governing body may authorize variances from these requirements to address hardship situations.

(6) If a governing body can prove by documented evidence in a court of competent jurisdiction that
a person has knowingly ~~attempted to evade~~ subdivided subdivision regulations through the use of a division of land
pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of

Amendment - 1st Reading-white - Requested by: Chris Friedel - (S) Local Government
- 2023****

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0158.001.001

1 land, payable to the governing body."

2

3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

4 - END -

SENATE PROXY

I, Senator Ellie Boldman, hereby authorize Senator Mary Ann Burwell to vote my proxy before the Senate Local Gov't meeting held on 1-13-23, 2023.

Ellie Boldman
Senator Signature

1-13-23
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Vanetta Williams, hereby authorize Senator Bogner to vote my proxy before the Senate

LOCAL GOVERNMENT meeting held on 1/13/23, 2023.


Senator Signature

Date 1/13/23

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT COMMITTEEDate: 1-13-23 Bill No: 152Sponsor: Senator Menderville
(Insert Short Title)

Please print ~ Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informat'l
Sam Sullivan	MAH	X		
Karen Alley	MA Co		X	
Brian Thompson	MARLS	X		
Lisa Schwend	MEIC		X	

Please leave prepared testimony with Committee Secretary. Witness Statement
Forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT COMMITTEE

Date: 1-13-23 Bill No: 158

Sponsor: President Ellsworth
(Insert Short Title)

Please print ~ Please print ~ Please print ~ Please print

[illegible]

Please leave prepared testimony with Committee Secretary. Witness Statement Forms are available if you prefer to submit written testimony.



The Montana Association of Planners
PO Box 1179
Livingston, MT 59047

January 12, 2023

Montana State Legislature
State Capitol
PO Box 201706
Helena, MT 59620-1706

RE: Senate Bill 152

Dear Chair Friedel and Distinguished Members of the Committee:

The Montana Association of Planners (MAP) is an association of professional planners from public, private, and nonprofit entities that works with a variety of partners to guide state policy outcomes that will benefit Montana's communities, economies, and landscapes. We do not advocate for a specific type of planning, rather MAP focuses on the tools and processes that give communities the opportunity to utilize planning as a positive and proactive way to address change in our cities, counties, and towns.

The Montana Association of Planners are offering our support for SB 152. For practitioners that have to work with this statute, the existing statutory language has been subject to various interpretations. For example, some jurisdictions count boundary relocations, even though they do not create an additional tract of land, towards the five parcels that are referenced in the statute. Other jurisdictions don't count them. We believe the proposed changes will result in a clearer standard and make the Subdivision and Platting Act easier to understand and administer.

We urge a "do pass" on SB 152.

Respectfully,

Sean O'Callaghan, AICP, Co-Chair

Montana Association of Planners Legislative Committee

**SENATE JOURNAL
68TH LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 25, 2023

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Ellsworth presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present. Senator Kelker, excused. Quorum Present.

BILLS AND JOURNALS (Lang, Chair)

Correctly printed: **SB 3, SB 8, SB 16, SB 21, SB 24, SB 30, SB 37, SB 58, SB 72, SB 96, SB 112, SB 128, SB 129, SB 143, SB 158, SB 159, SB 173, SB 204, SB 205, SB 206, SB 207, SB 208, SB 209, SR 31, SR 32, SR 33, SR 39, SR 40, SR 41, SR 47, SJ 7, HB 61, HB 113.**

Correctly engrossed: **SB 142.**

Transmitted to the House: **SB 12, SB 13, SB 29, SB 42, SB 43, SB 68, SB 106, SB 155, SJ 5.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair)

01/24/2023

HB 59, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Small, Chair)

01/24/2023

SB 105, introduced bill, be amended with SB0105.001.001 and, as amended, do pass.

SB 167, do pass.

SB 179, do pass.

SJ 2, do pass.

HB 30, be concurred in.

HB 43, be concurred in.

HB 70, be concurred in.

HB 71, be concurred in.

HB 98, be concurred in.

HB 120, be concurred in.

HB 123, be concurred in.

HB 138, be concurred in.

HB 139, be concurred in.

HB 145, be concurred in.

HB 157, be concurred in.

HB 160, be concurred in.

HB 166, be concurred in.

FISH AND GAME (Hinebauch, Chair)

01/24/2023

HB 99, be concurred in.

HB 133, be concurred in.

HB 162, be concurred in.

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JUDICIARY (Regier, Chair) 01/17/2023
SB 135, do pass.

JUDICIARY (Regier, Chair) 01/24/2023
SB 94, introduced bill, be amended with SB0094.001.004 and, as amended, do pass.
SB 148, do pass.
HB 18, be amended with HB0018.001.002 and, as amended, be concurred in.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 01/24/2023

HB 15, introduced by D. Bedey
HB 28, introduced by R. Knudsen
HB 72, introduced by R. Marshall
HB 89, introduced by P. Green
HB 101, introduced by J. Gillette
HB 129, introduced by T. Welch
HB 146, introduced by J. Kassmier
HB 155, introduced by K. Zolnikov
HB 185, introduced by R. Fitzgerald
HB 260, introduced by M. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 210, introduced by C. Glimm, referred to Judiciary.
SB 211, introduced by T. McGillvray, referred to Business, Labor, and Economic Affairs.
SB 212, introduced by D. Lenz, referred to Education and Cultural Resources.
SB 213, introduced by E. McClafferty, D. Salomon, M. Lang, R. Lynch, A. Olsen, W. Curdy, M. Dunwell, J. Ellis, D. Hayman, C. Pope, S. Webber, E. Boldman, S. Morigeau, J. Gross, R. Tempel, D. Harvey, P. Flowers, M. Fox, D. Hawk, S. O'Brien, T. Vermeire, J. Lynch, M. Romano, referred to Education and Cultural Resources.
SB 214, introduced by E. McClafferty, D. Salomon, M. Lang, R. Lynch, W. Curdy, M. Dunwell, J. Ellis, D. Hayman, C. Pope, S. Webber, E. Boldman, S. Morigeau, J. Gross, R. Tempel, D. Harvey, P. Flowers, M. Fox, D. Hawk, S. O'Brien, T. Vermeire, J. Lynch, referred to Business, Labor, and Economic Affairs.
SB 215, introduced by S. Fitzpatrick, referred to Local Government.
SB 216, introduced by S. Fitzpatrick, referred to Judiciary.
SB 217, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committee:

HB 15, introduced by D. Bedey (by request of the Office of Budget and Program Planning), referred to Education and Cultural Resources.

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EIGHTEENTH LEGISLATIVE DAY - January 25, 2023

HB 28, introduced by R. Knudsen (by request of the Legislative Council), referred to Legislative Administration.

HB 72, introduced by R. Marshall (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

HB 89, introduced by P. Green (by request of the Department of Military Affairs), referred to State Administration.

HB 101, introduced by J. Gillette (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Business, Labor, and Economic Affairs.

HB 129, introduced by T. Welch (by request of the Department of Revenue), referred to Highways and Transportation.

HB 146, introduced by J. Kassmier (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

HB 155, introduced by K. Zolnikov (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

HB 185, introduced by R. Fitzgerald, referred to Natural Resources.

HB 260, introduced by M. Regier, R. Knudsen, referred to Legislative Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Fitzpatrick moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ellis in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 32 - Senator Cuffe moved **SB 32** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Emrich, Hinebauch.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 38 - Senator Brown moved **SB 38** do pass. Motion carried as follows:

STATE INTERNET/BBS COPY

SENATE JOURNAL
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Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Curdy, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 35

Nays: Boldman, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 14

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 53 - Senator Lang moved **SB 53** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Emrich.

Total 1

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 113 - Senator Lenz moved **SB 113** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

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Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 119 - Senator Webber moved **SB 119** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 121 - Senator Beard moved **SB 121** do pass.

SB 121 - Senator Trebas moved **SB 121**, second reading copy, be amended with SB0121.001.006.

Amendment **not adopted** as follows:

Yeas: Bogner, Brown, Emrich, Friedel, Fuller, Glimm, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, Noland, Regier K, Small, Tempel, Trebas, Usher, Welborn, Zolnikov.
Total 20

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Nays: Bartel, Beard, Boldman, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hayman, Hertz, Lynch, McClafferty, McKamey, Molnar, Morigeau, Mr. President, O'Brien, Olsen, Pope, Sales, Salomon, Vance, Vermeire, Webber.

Total 29

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 121 - Senator Molnar moved **SB 121**, second reading copy, be amended with SB0121.001.007.

Amendment **not adopted** as follows:

Yeas: Bogner, Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Friedel, Gross, Hayman, Lynch, Mandeville, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Salomon, Small, Tempel, Webber.

Total 22

Nays: Bartel, Beard, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 27

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 121 - Senator Molnar moved **SB 121**, second reading copy, be amended with SB0121.001.008.

Amendment **not adopted** as follows:

Yeas: Bogner, Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Friedel, Gross, Hayman, Lynch, Mandeville, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Webber, Welborn.

Total 20

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Nays: Bartel, Beard, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Zolnikov.

Total 29

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 121 - Senator Dunwell moved **SB 121**, second reading copy, be amended with SB0121.001.009.

Amendment **not adopted** as follows:

Yeas: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 15

Nays: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

Thereupon, the Senate **reverted to the original motion** of Senator Beard which passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

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Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 15

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 124 - Senator Hertz moved **SB 124** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 16

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 134 - Majority Leader Fitzpatrick moved **SB 134** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 15

Voted absentee: None.

Total 0

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Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 154 - Senator Regier moved **SB 154** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, Molnar, Mr. President, Noland, Regier K, Sales, Small, Trebas, Usher, Vance, Zolnikov.

Total 28

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gillespie, Gross, Hayman, Lynch, McClafferty, McKamey, Morigeau, O'Brien, Olsen, Pope, Salomon, Tempel, Vermeire, Webber, Welborn.

Total 21

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 166 - Senator Lynch moved **SB 166** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Gross, Olsen.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

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Majority Leader Fitzpatrick moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Ellsworth presiding.

Senator Ellis moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 37

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Gross, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 12

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

SB 16 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

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SB 24 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 46

Nays: Emrich, Molnar, Olsen.

Total 3

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 37 passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 36

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Gross, Hayman, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 13

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 96 passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

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Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 16

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 128 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Lynch, Molnar.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 143 passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 15

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Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 158 passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Tempel, Webber.
Total 16

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 159 passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 33

Nays: Boldman, Cuffe, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 16

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

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Absent or not voting: None.
Total 0

SB 173 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved to take **SB 207** from State Administration and re-refer it to Natural Resources. Without objection, so ordered.

Majority Leader Fitzpatrick moved to take **HB 52** from Highways and Transportation and re-refer it to Energy and Telecommunications. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **SB 121** and **SB 124**, heard under second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate recess until 6:50 p.m. at which time the Senate will move to the House chamber to meet in joint session with the House of Representatives to hear the Governor's State of the State address. Following the address, the Senate will adjourn until 1:00 p.m., 1/26/2023, the 19th legislative day. Motion carried.

The text of the Governor's State of the State Address is included in this Journal, beginning on the following page.

Senate recessed at 2:57 p.m.

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MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate

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STATE OF THE STATE ADDRESS BY GOVERNOR GREG GIANFORTE
January 25, 2023

Lieutenant Governor, Mister President, Mister Speaker, members of the 68th Legislature, fellow statewide officials, tribal leaders, members of the judiciary, members of our Cabinet, the First Lady of Montana, my dear wife Susan, and finally, my fellow Montanans.

Serving you, the people of Montana, as your twenty-fifth governor is the greatest honor of my life. Thank you for the confidence you've placed in me.

In my last state of the state, I told Montanans we owe it to them to be bold as we lead the Montana comeback. We laid out an ambitious agenda with our sights set on building a place where more Montanans are realizing the American dream, working hard, earning a good living, and raising their family. I'm proud to report we are succeeding in that mission.

But we know our journey is far from over. We still face challenges, but with each challenge comes an opportunity; an opportunity to grow together and grow stronger.

For too long, Montana hasn't been living up to our full, outstanding potential. Our biggest exports have been our beef, grain, and, tragically, our kids and grandkids. We've seen jobs and opportunities grow in other states, while they haven't here. As a result, our kids and grandkids have left the place they love and the people they love for better jobs, higher pay, and greater opportunities elsewhere. Too many choose to leave, but they shouldn't have to face that choice.

Over the past two years, we've made it easier for Montanans to stay and some have come back home. I meet them, and other inspiring Montanans, when I'm on the road. Each year, I visit all 56 counties. It's a priority for me. Getting out of the Helena bubble and sitting down with Montanans is the only way I know to do this job.

Montanans want greater opportunity, good-paying jobs, tax relief, the best education possible for their kids, affordable, accessible, high-quality health care, safe communities, attainable housing, stronger families, and responsive, effective government.

I share their priorities. We must deliver on them. Montanans are counting on us. Let's get it done.

Our key focus has always been, and remains, creating greater opportunity for more Montanans and protecting our Montana way of life. Together, we're opening the doors of greater opportunity so more folks can prosper and achieve the American dream. We're unleashing the engine of economic growth, business development, and job creation that, for too long, sputtered.

In 2021, Montana's economy grew at the seventh fastest pace in the nation. Thanks to the hard work of Montanans, we saw record business creation in 2021 and then again in 2022. Together, we've created more than 31,000 new jobs. 31,000 new jobs. Never before have this many jobs been created in two years.

We've hit record-low unemployment. Working with the legislature in 2021, we delivered one of the largest tax cuts in Montana history. We reformed and simplified our tax code to help small

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businesses, family farms, and family ranches thrive. And as a result, more Montanans are working today than ever before.

Friends, the state of our state is strong, much stronger than it was two years ago. As much as our tax cuts and reforms help hardworking Montanans, we recognize our state's regulatory scheme is a wet blanket on job creation and business development. That's why on my second day in office, I created the Red Tape Relief Task Force. Led by Lieutenant Governor Juras, they've left no stone unturned.

Ladies and gentlemen, our Lieutenant Governor doesn't just cut ribbons – she cuts red tape. Lieutenant Governor, thank you for your partnership in leading the Montana Comeback. The results of the lieutenant governor's work are clear. Right now, there are more than 160 red tape relief bills. Many have already passed the House or Senate. To our legislative partners, thank you for helping more Montanans prosper by removing unnecessary, burdensome regulations.

Montanans have spoken loud and clear: they want a government that works for them. Not the other way around. That's why better serving our customers, the people of Montana, is a top priority. We're putting customer service first and changing the way state government does business. We're listening to our bosses, the citizens of Montana. We're fixing what doesn't work.

We're modernizing state government. We're streamlining permitting. In July 2020, the Department of Environmental Quality was receiving a record number of requests for subdivision permits, and the requests kept coming. The department faced a backlog of nearly 500 overdue applications. This prevented builders and developers from doing their job. So, Director Chris Dorrington quickly changed the way DEQ operated. And in just months, they eliminated the backlog entirely, subdivision permits are being issued on time, and homes are being built.

We're also being better stewards of taxpayer dollars, making government more efficient. The Department of Labor and Industry developed a new, improved unemployment benefits system, saving taxpayers over \$35 million and better serving people who lost their job. The Department of Administration renegotiated our state health plan, saving taxpayers \$28 million per year while improving benefits.

And with our historic surplus, we're going to make Montana debt-free in '23. We'll pay off all general obligation debt, and we'll save \$40 million over the next two years. I urge you to make Montana debt-free in '23 and save Montanans \$40 million. Get the bill to my desk. These are real efficiencies, real improvements, real savings, all to better serve the people of Montana.

As we lead Montana's comeback, we're creating an environment where businesses can thrive, create more good-paying jobs, and increase opportunities for all Montanans.

And don't just take it from me. Take it from companies like Hyundai that decided to come to Montana and invest in our people, creating 50 Montana jobs. Or NextEra Energy, supporting our all-of-the-above energy approach and creating 300 Montana jobs. Or Tonix Pharmaceuticals, adding to a growing hotspot of cutting-edge employers in the Bitterroot, creating 120 Montana jobs. All told, over the last two years, 15 innovative businesses have come to Montana and are creating more than 900 good-paying Montana jobs.

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These companies see Montana's clear value; they see Montanans' unparalleled work ethic and our pro-business, pro-jobs policies. There's no doubt about it, Montana is open for business. We've made Montana more attractive to innovative job creators, and they're investing in our state and our people.

But we have a long way to go. Friends, we're just getting started. We're going to keep making Montana a sanctuary for freedom and free enterprise. Together, we will make Montana an even better place to live, work, raise a family, and achieve the American Dream. Because that's what Montanans sent us here to do, to focus on their priorities.

As I meet with Montanans in every corner of our state, I hear loud and clear: tax relief is a priority. That's why we're cutting taxes again this session. Working with the Legislature, we're moving forward with the largest tax cut in state history.

With inflation taking a bite out of every Montana family budget, from gas to groceries, providing meaningful tax relief is critical. That's why we're going to cut your taxes by over one billion dollars.

All of our tax proposals are rooted in a simple philosophy: hardworking Montanans should keep more of what they earn, because ultimately, it isn't the government's money. It's the money of hardworking Montanans who earn it. That's why we're going to put money back in Montanans' pockets, through immediate rebates and permanent, long-term tax relief.

The fact of the matter is Montanans overpaid their taxes, and we're going to give it back. Our plan delivers Montana's largest income tax cut ever. Our plan provides relief to Montana taxpayers at every income level, because even after our historic tax cuts in 2021, we still have the highest income tax rate in the Rocky Mountain West and one of the highest in the nation.

It's a drag on our economy, a disincentive for job creation, and a burden on Montana families. Other states understand this and are cutting their income tax rates. To stay competitive, we must do the same. We must permanently cut the tax rate most Montanans pay and encourage Montanans to get back into the workforce.

As I travel our state, I see "help wanted" signs on every Main Street. It's why we proudly led the way as the first state in the nation to end federal supplemental unemployment benefits in 2021. And it's why we're expanding the earned income tax credit to help lower-income working Montanans, incentivize work, and build a stronger workforce.

I want to take a minute to thank Senator Becky Beard who introduced legislation to cut income taxes for Montana taxpayers at every income level. And I want to thank Representative Tom Welch for bringing legislation to provide Montana homeowners with meaningful property tax relief.

While the state receives only a small fraction of property taxes, we believe Montanans deserve substantial property tax relief. Like the retired couple in the Flathead who, because they can't afford their rising property taxes, are thinking about selling the home they raised their kids in. We must provide them significant property tax relief so they can stay in their home and community.

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We must also make it easier for small business owners, family farmers, and family ranchers to thrive by further reforming the business equipment tax. For too long, owning the equipment needed to operate has come with a heavy, and unnecessary, tax burden. That's why we tripled the business equipment tax exemption in 2021. And it's why we're working with the legislature this year, to raise the business equipment tax exemption to \$1 million for every small business in Montana.

Taken together, we'll eliminate this tax burden for more than 5,000 small businesses. I want to thank Representative Josh Kassmier for leading this charge in 2021 and again this year. Working together, we're providing the largest tax cut in state history, creating greater opportunities for Montanans to prosper, thrive, and achieve the American dream.

We must also ensure our kids receive the best education possible. Too often throughout our country, we've seen education bureaucrats fighting to keep parents out of their kid's education. Let's be clear, government should never stand between parents and their kid's education. Let's empower Montana parents to choose what's best for their family and their kids. Let's protect parents' rights. I urge you to send me Majority Leader Sue Vinton's bill that ensures students and parents are put first in education.

Every parent knows each child is unique. Let's ensure each child's education best meets his or her individual needs. Let's support individualized learning, allowing students to progress at their own pace, regardless of their age or class. Let's pass the Individualized Education Act, sponsored by Senator Shannon O'Brien. Let's also support work-based learning, allowing students to get on-the-job experience and apply that experience to their high school graduation requirements.

Friends, we can't continue doing the same thing over and over again and expect different results. We need to bring more innovation to education. We need fresh, new thinking and bold leaders to deliver the best education possible for our kids.

Ron Slinger, the president of Miles Community College, is doing that, and he's with us tonight. Miles Community College is equipping Montanans with the skills they need to thrive in good-paying, in-demand careers – from truck drivers to meat cutters to certified nursing assistants. The college has also developed partnerships with the private sector, including Stockman Bank and Sidney Health Center, to create business-specific micro-credentials. Miles Community College is breaking the traditional mold. They're transforming how education is delivered. They're thinking outside the box, not confining themselves, or their students, to the limits of the college's brick and mortar. And under Ron's leadership, they're delivering results. Because of their innovation, Miles Community College's full-time enrollment has grown at three times the rate of the entire Montana University System just in the last year.

Ron, will you please stand up? Ron, thank you for your innovative work on behalf of Montana students.

My challenge tonight to education leaders at every college, every university, and every school district in the state? Follow Ron's lead, be innovative, be transformative, develop partnerships with the private sector, don't be constrained by brick and mortar, and improve education opportunities for all our students.

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We can also transform how we deliver traditional K-12 education. Imagine a student who lives in rural Montana. She excels at math, but her school doesn't offer advanced calculus or other STEM courses. Wouldn't she benefit from taking calculus online?

Geographic boundaries are no longer a constraint. We must modernize our way of thinking about education beyond traditional geographic barriers. We can do that through Representative Llew Jones' bill to transform the Montana Digital Academy. I ask you to pass this bill and get it to my desk. Let's double the cap on the Big Sky Scholarship to expand parental choice in K-12 education.

Let's do all this, and let's also take better care of those who help our kids reach their full potential – Montana teachers. Teaching is a calling; I know, my mom was a math teacher, and now my daughter is as well.

For too long, teachers who answer the call and start their careers here haven't earned enough. That's why we enacted the TEACH Act in 2021, to provide incentives for school districts to increase starting teacher pay, and it's working. In its first year, the TEACH Act has helped nearly 500 new teachers begin their career in Montana.

Kylee Urie is one of those young teachers, and she's with us tonight. Kylee is in her second year at Harlem High School, where she teaches agriculture and coaches cheerleading. She told me she found her life's calling in teaching. Her husband, Nathan, teaches agriculture and coaches wrestling at Turner Public School. They knew they wanted to start their careers teaching ag in rural Montana, but it didn't add up financially, with the state's low starting teacher pay. Thankfully the TEACH Act made a big difference. Kylee told me the boost from the TEACH Act was her deciding factor in moving to Harlem to teach. Thanks to the TEACH Act, we have Kylee and Nathan, two new young teachers educating our students. They're making our future a little brighter each day. Kylee and Nathan, thank you for your dedication to our kids and Montana's future.

Friends, a four-year college degree is not the best option for everyone. Many new good-paying jobs require specialized skills – skills developed through apprenticeship. When we took office two years ago, government regulations blocked access to apprenticeships. So, we modernized our apprenticeship system – quadrupling the number of apprenticeship opportunities in Montana, and we're seeing the results. In 2022, Montana added more than 1,000 apprenticeships and more new employer sponsors to our Registered Apprenticeship Program. We have more apprentices now than ever before.

Williams Plumbing in Bozeman is one of our employer sponsors. Quin Williams, the company president, and Cooper Austin, an employee of Williams Plumbing, are with us tonight. Quin told me that, before our reform, the company had only 35 available apprentice positions. With the help of our reform, Williams Plumbing created 200 apprentice positions for hardworking Montanans; for folks like Cooper, who earned his apprenticeship as a direct result of our regulatory change.

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - January 25, 2023

After Cooper graduated high school, he tried college and realized it wasn't the right path for him. He enlisted in the Marine Corps, was stationed in California and Missouri, and remains active in the Reserves unit in Billings. Cooper, thank you for your service to our state and nation.

Cooper was looking for a good-paying career, and a close family friend suggested he find one in the trades, and that's how he ended up at Williams Plumbing. Cooper tells me that he's learned a lot as an apprentice and loves the work. Cooper and Quin, thank you for making Montana a better place.

Now more than ever, Montana needs plumbers and carpenters – electricians and welders – masons and machinists. Now more than ever, Montana needs a highly skilled workforce – which is why we created the Montana Trades Education Credit in 2021. As we anticipated, Montana employers are taking advantage of the credit to upskill our workforce. And this year, our budget nearly doubles the Montana Trades Education Credit – boosting this successful program that builds the skills of hardworking Montanans.

As much as we need to open opportunities for trades education, we also need to grow our health care workforce. Let's tear down barriers for health care professionals to practice in Montana. Send Representative Amy Regier's bill to join the APRN Compact to my desk – as well as Representative Bill Mercer's that improves professional and occupational licensing. Taken together, these measures will build a more robust provider network in Montana and ultimately increase Montanans' access to health care.

In 2021, we brought greater competition to the marketplace and more choice to consumers by authorizing direct patient care agreements. With unanimous, bipartisan support, we expanded telehealth, increasing access to high-quality care throughout all corners of our state. Let's build on that progress this session.

If we want nurses, law enforcement officers, and teachers to live in the communities they serve – we must also address the shortage of affordable, attainable housing throughout our state. Home ownership is foundational to the American dream, but home ownership has become harder to achieve in the last decade. Hardworking Montanans should be able to live in the communities where they work, and grandparents should be able to live closer to their kids and grandkids.

Last year, I brought together a diverse, bipartisan Housing Task Force. I want to thank Senator Greg Hertz, Senator Ellie Boldman, Representative Sue Vinton, former Representative Danny Tenenbaum, agency directors, and stakeholders for their leadership. I made their mission clear: help make owning or renting a home an affordable reality again for more Montanans. They delivered many strategies to increase the supply of affordable, attainable housing.

As an example, we adopted one of the task force's strategies in our budget, the HOMES Program, or Home Ownership Means Economic Security. The HOMES Program invests \$200 million to expand water and sewer infrastructure, and ultimately expand housing capacity throughout our state. I want to thank Representative Mike Hopkins and Senator Forrest Mandeville for leading this effort. I ask you to pass the HOMES Program. Get it to my desk so we can increase the supply of housing – and get more Montanans into a home of their own.

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - January 25, 2023

To increase the supply of affordable, attainable housing, we also need infrastructure in place. It's why, in addition to historic investments in water and sewer, we've proposed an additional \$100 million to repair our roads and bridges. And like access to water and sewer systems as well as safer roads and bridges, Montanans' access to broadband is essential in the 21st century. Lack of access to reliable broadband limits Montanans' access to educational opportunities, health care, and career opportunities. That's why we made the largest-ever investment in broadband infrastructure – which will bring reliable broadband to 62,000 Montana homes that don't have it now.

As we create better opportunities for Montanans, we must also protect our way of life. Above all, that means protecting life. Our Declaration of Independence states, we are endowed by our Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. Without life, there can be no liberty, and no pursuit of happiness. All life is precious and must be protected. Last session, we passed commonsense pro-life bills, some of which are now tied up in the courts, but our commitment to doing what's right for unborn babies will never waver.

As we stand firm for life, we must also ensure all Montana kids, from unborn babies to teenagers, have the opportunity to reach their full God-given potential. Our kids, and Montana's future, depend on strong families, and we must help them prosper. But inflation, rising prices, and increasing child care costs continue to be a heavy burden for working families with young kids. To support them, we're proposing a \$1,200 child tax credit for kids under six. \$1,200 is meaningful for parents. It'll make a real difference for growing families raising their kids here in Montana. Representative Josh Kassmier is carrying the bill to provide this assistance for Montana families. Let's get it done.

And speaking of child care, let's make it more accessible and affordable. For too long, working families have faced a shortage. This problem was only made worse by the pandemic, here and throughout the country. It's why we've invested over \$100 million to help stabilize child care in Montana. It's also why we're eliminating unnecessary barriers to child care, so we can better serve our kids and provide them with the foundation for a better future.

We must also make it easier for Montanans to open their happy, healthy, loving homes to children. Every child deserves a home where they can reach their full potential. To get more children into permanent, loving homes, we're proposing an adoption tax credit of \$5,000, and if you adopt a kid in our foster care system, we'll bump that credit to \$7,500. We heard inspiring testimonies yesterday from parents who opened their homes and adopted kids. I appreciate Representative Courtenay Sprunger who's leading this effort.

And I'm thankful for groups working each day to get every child into a permanent, loving home. Groups like Child Bridge. Launched by the late Steve Bryan and his wife Mary, Child Bridge advocates for abused and neglected children, and helps foster children find homes filled with love and support. Because of Steve's vision, thousands of Montana children have a bright future with a loving family. What started as a local organization in Bigfork, Child Bridge is now involved in nearly two-thirds of all non-kinship placements throughout Montana. This is the power of the public sector working together with the private sector. Child Bridge's Executive Director Jenna Taylor is here with us tonight. Jenna, on behalf of a grateful state, thank you. And thank you to the entire Child Bridge team. You provide hope to generations of children.

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - January 25, 2023

To continue building bridges among Montana's public, nonprofit, and private sectors – under my direction, the Department of Public Health and Human Services launched the Office of Faith and Community Based Services. This office is helping bring people together to build better outcomes for our families and children.

As we know too well, drug addiction and violent crime threaten our families, our communities, and our Montana way of life. I've heard it in almost every community throughout our state, including at the public safety roundtables I held last year.

With chemicals largely from China, Mexican drug cartels mass-produce fentanyl. Then, they bring it into our country, often over our southern border. This fentanyl crisis is a direct consequence of our nation's insecure and porous southern border. So tonight, I have a message for President Biden and members of Congress: secure our southern border now. Stop neglecting it. Secure it. The safety of our communities, our families, and our people depends on it.

Crime and addiction too often go hand-in-hand, with tragic results. Addiction and substance use tear families apart, too often leaving family members grieving for a loved one they've lost. Addressing crime and addiction effectively will take partnerships and investments.

To hold criminals accountable, we propose to invest \$200 million to repair and expand capacity at the state prison in Deer Lodge. I want to take a minute to thank Representative Mike Hopkins and Representative John Fitzpatrick for leading this effort. To make our communities safer, I ask you to pass that funding and get it to my desk.

Working with the attorney general, we also propose investing in law enforcement. Our budget funds 16 new highway patrol troopers and criminal investigators. We also propose funding six new prosecutors at the Montana Department of Justice. Taken together, they will combat the scourge of drug trafficking, human trafficking, narcotics, major crimes, and crimes against children.

The brave men and women of law enforcement put their lives on the line each and every day. They deserve our support. I speak for all Montanans when I say: we see you, we appreciate you, and we back the blue.

While we crack down on criminals peddling dangerous drugs, we're also focused on expanding access to treatment and recovery for Montanans struggling with addiction.

The Angel Initiative is one way we're doing that. Launched by our administration, the Angel Initiative allows folks struggling with addiction to visit any participating law enforcement office, ask for help, and get connected to treatment.

I'm proud to have Cascade County Sheriff Jesse Slaughter with us here tonight. Sheriff Slaughter is dedicated to making our communities safer. He was also our first Angel Initiative partner. Thank you, Sheriff Slaughter.

We're proud to have more than 20 sheriffs throughout the state partnering with us on the Angel Initiative. We'll keep adding more, but our work doesn't stop there.

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - January 25, 2023

In January 2021, we introduced the HEART Fund. It funds a full continuum of substance abuse prevention and treatment programs for communities. The HEART Fund helps people regain their health, rebuild their lives, and become vibrant, productive members of society. To be clear, it's not bigger government. It's a community grant program to help nonprofits and NGOs do the work on the ground, in their communities. And I'm proud our Budget for Montana Families expands on our historic progress, boosting the HEART Fund by 50 percent.

Our budget also permanently funds eight, proven, effective drug courts throughout our state that are losing federal funding. Instead of turning our backs on those struggling with addiction – we're investing in hope and opportunity as they get clean, sober, and healthy.

We also have an obligation to take care of the most vulnerable among us. After decades of previous administrations applying Band-Aids and kicking the can down the road, we propose a generational investment in our behavioral health care facilities. With it, we'll repair the state hospital in Warm Springs, we'll improve patient services, and we'll better secure the safety of patients and providers. We'll also support expanded community-based behavioral health clinics. Friends, the time for kicking the can down the road is over.

I appreciate the leadership of Representative Bob Keenan, Representative Ed Stafman, Representative Mary Caferro, Senator John Esp, and the interim committee that worked with Director Brereton. I ask you to pass this critical investment for the good of our families, our communities, and the most vulnerable among us. Get this critical investment to my desk.

We also continue to face the heartbreaking crisis of Missing and Murdered Indigenous Persons. This is an all-hands-on-deck moment. I want to recognize Representative Sharon Stewart Peregoy for giving a voice to the voiceless, for continuing to carry the torch that lights our way. Tonight, I ask all of you to send her bill to protect our Native neighbors to my desk.

Part of our Montana way of life is defined by our rich outdoor heritage and vast public lands. We must protect them for the generations who will follow us.

Active management will protect our forests. When a forest is managed properly, we have less severe wildfires, more recreational opportunities, more wildlife habitat, and more jobs. In 2021, we set an ambitious forestry target to match the urgency of the forest health crisis we face. Thanks to the leadership of Director Amanda Kaster and the hard work of the Department of Natural Resources and Conservation, we more than doubled the number of forested acres treated. Our budget proposes \$10 million per year to expand the scope of active forest management, so we have fewer wildfires in the first place. For the wellbeing of our people, their homes, their property, and their livelihoods, I urge you to pass our active forest management proposal.

And as we better manage our lands, we're also increasing access to them. Take our work in the Big Snowies, for example. The state purchased nearly 5,700 acres in the area, providing access to over 100,000 total acres of state and federal lands. This conservation victory created the Big Snowy Mountains Wildlife Management Area. Not only does this land offer exceptional hunting – with excellent habitat and access to the Big Snowies elk herd – but also it will remain open for cattle grazing.

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - January 25, 2023

Our state has a vested interest in seeing land conserved for wildlife, while also keeping ranchers on the landscape. Production ag and conservation are not mutually exclusive. We married those two interests in this agreement, and achieved a win-win for Montana, offering a great example of what we can accomplish together. It's a testament to the fact that we're best when we're working together. Let's keep that in mind as we move through this legislative session and the years ahead. Let's remember that there's much, much more that brings us together than separates us. Let's continue finding common ground and delivering results for the people of Montana; that's what they sent us here to do.

Ultimately, we all want the same thing: to open the doors of greater opportunity so more Montanans can thrive, prosper, and achieve the American dream. Let's work every day to make that a reality, because every day, Montanans work hard to realize the American dream, to earn a decent living, to own a home, to raise a family, to contribute to their communities, to retire comfortably, to leave their kids and grandkids a better life than they've had.

While the American Dream might be fleeting in some states, it's alive and well here in Montana, because we embrace the freedoms that are foundational to who we are as Americans. We support all those who want a better life and are willing to work for it. We stand with the parents doing everything they can to give their kids a better life. We celebrate our shared values of hard work, commitment to family, freedom, and love of country. We embrace the fundamental idea that the American Dream is a sacred one, and together, we'll always defend it.

Friends, our best days are ahead of us, and the better, brighter future we're building together, one we'll leave to our kids and grandkids, that inspires me every day.

Thank you. God bless you. God bless America. And God bless the great state of Montana.

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) LOCAL GOVERNMENT

Call to Order: Chair Marta Bertoglio-R, on March 21, 2023 at 3:00 PM, in 472

ROLL CALL

Members Present: Rep. Larry Brewster, Chair (R)
Rep. Marta Bertoglio, Vice Chair (R)
Rep. Jill Cohenour, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Sherry Essmann (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Scot Kerns (R)
Rep. Kelly Kortum (D)
Rep. Jennifer Lynch (D)
Rep. Linda Reksten (R)
Rep. Kerri Seekins-Crowe (R)
Rep. Courtenay Sprunger (R)
Rep. Katie Zolnikov (R)

Members Excused: Rep. Steve Gunderson (R)
Rep. Mark Thane (D)

Staff Present: Heather Kellum, Secretary
Laura Sankey Keip, Research Analyst

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 143 03/14/2023
SB 158 03/14/2023
SB 173 03/14/2023
SB 319 03/20/2023

Executive Action:

SB 23
SB 130
SB 142

HEARING ON SB 143 - Allow for a referendum to terminate citizen initiated zoning district

Opening Statement:

15:01:45 Sen. John Esp (R), SD 30, opened the hearing on SB 143, Allow for a referendum to terminate citizen initiated zoning district.

Proponent Testimony:

15:05:33 Shelby Demars, United Property Owners of Montana

15:06:36 Karen Alley, Montana Association of Counties

15:08:44 Henry Kriegel, Americans for Prosperity

15:09:21 John Ostlund, Yellowstone County Commissioner

Opponent Testimony:

15:11:23 Ann Hedges, Montana Environmental Information Center

15:15:14 Edward Barta, Private Citizen

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

15:17:33 Sen. John Esp (R), SD 30, closed the hearing on SB 143.

15:29:20 Rep. Thane has arrived

HEARING ON SB 158 - Revise family transfer law

Opening Statement:

15:19:20 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB 158, Revise family transfer law.

Proponent Testimony:

15:24:15 Kenton Hickether, Private Citizen

15:25:55 Terry Nelson, Private Citizen

15:27:58 Rob Arnaud, Private Citizen

15:29:34 Matt Cottle, Private Citizen

Opponent Testimony:

15:31:26 Eric Bryson, Montana Association of Counties

15:33:00 Ann Schwend, Montana Environmental Information Center

15:35:26 Constance Neumann, Private Citizen

15:37:48 Amy Seaman, Montana Audubon

15:39:32 Andrew Hagemeyer, Montana Association of Planners

15:41:47 Tim Worley, Missoula County Planning

Informational Witness Testimony:

None

Questions from Committee:

15:43:44 Rep. Steven Galloway

15:47:05 Vice Chair Jill Cohenour

15:51:54 Rep. Steve Gist

15:54:20 Rep. Steven Galloway

15:57:26 Rep. Laurie Bishop

Closing Statement:

16:02:44 Sen. Jason Ellsworth (R), SD 43, closed the hearing on SB 158.

Opening Statement:

16:06:31 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 173, Revise county road abandonment process laws.

Proponent Testimony:

16:07:39 Roy Rost, Commissioner of Fallon County

16:11:01 Karen Alley, Montana Association of Counties

16:13:24 Joe Briggs, Cascade County Commissioner

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

16:15:47 Rep. Steven Galloway

Closing Statement:

16:16:08 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 173.

HEARING ON SB 319 - Revise laws related to tracts of record

Opening Statement:

16:16:35 Sen. Ellie Boldman (D), SD 45, opened the hearing on SB 319, Revise laws related to tracts of record.

Proponent Testimony:

16:18:56 Tyler Gernant, Missoula County

16:26:12 Tim Worley, Missoula County Planning

16:26:57 Andrew Hagemeyer, Montana Association of Planners

Opponent Testimony:

16:28:58 Bill Gowen, Montana Land Title Association

16:33:44 Ryan Dahlke, Montana Department of Transportation

[EXHIBIT\(230321LOHa1\)](#)

16:38:57 Valerie Wilson, Department of Transportation

16:41:28 Kirk Adkins, Montana Association of Registered of Land Surveyors

Informational Witness Testimony:

None

Questions from Committee:

16:46:43 Rep. Steven Galloway

16:56:03 Rep. Mark Thane

16:59:14 Rep. Steven Galloway

17:00:43 Rep. Laurie Bishop

Closing Statement:

17:02:43 Sen. Ellie Boldman (D), SD 45, closed the hearing on SB 319.

17:06:18 **Recessed**

17:26:38 **Reconvened**

EXECUTIVE ACTION ON SB 23 - Require county to approve certain condominiums

17:26:59 **Motion:** Rep. Marta Bertoglio moved that **SB 23 BE CONCURRED IN.**

17:26:59 **Vote:** Motion carried unanimously by voice vote.

17:26:59 **Carrier Assigned:** Rep. Steven Galloway

EXECUTIVE ACTION ON SB 130 - Allow for a county consolidated land use board

17:28:09 **Motion:** Rep. Marta Bertoglio moved that **SB 130 BE CONCURRED IN.**

17:28:09 **Vote:** Motion carried unanimously by voice vote.

17:28:09 **Carrier Assigned:** Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 142 - Provide oversight of local impact fee laws

17:29:56 **Motion:** Rep. Marta Bertoglio moved that **SB 142 BE CONCURRED IN.**

Discussion:

17:29:58 Vice Chair Jill Cohenour

17:30:15 **Motion:** Rep. Jill Cohenour moved that **SB 142 BE AMENDED.**

Discussion:

17:30:31 Rep. Steven Galloway

17:30:41 Vice Chair Jill Cohenour

17:30:59 Vice Chair Marta Bertoglio

17:30:15 **Vote:** Motion failed 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting yes.

17:53:26 **Motion:** Rep. Marta Bertoglio moved that **SB 142 BE CONCURRED IN.**

17:53:26 **Vote:** Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.

17:53:26 **Carrier Assigned:** Rep. Scot Kerns

ADJOURNMENT

Adjournment: 17:34:48

Heather Kellum, Secretary

Additional Documents: [EXHIBIT\(230321LOHaad\)](#)

Montana State Legislature

2023 Session

Additional House Documents

- Business Report
- Roll Call -Attendance
- Standing Committee Reports
- Tabled Bills
- Fiscal Reports [if any]
- Roll Call Votes
- Proxies signed in ink
- Visitor's sign-in sheet.
- Informational Item's
- Witness Statements if any,
- Zoom/Internet Testimony Information & index
- Any other type of documents such as:
@ Petitions, {if any} Emails, all documents given to
Committee Secretary before & after meeting.
- Public Testimony documents may or may not be scanned,
they will be on file at the Montana Historical Society.
- Disclaimer: within the online minutes document you will
see vacate spaces within the document. The LAWS II
system creates these blank areas they are not loss of
information.

The original exhibit/items are on file at the Montana Historical Society
and may be viewed there.

Montana Historical Society Archives,
225 N. Roberts, Helena, MT 59620-1201
E-Document Specialist Susie Hamilton

**BUSINESS REPORT
MONTANA HOUSE
REGULAR**

(H) Local Government

Date: 03/21/2023

Time: 3:00 PM

Place: Capitol

Room: 472

BILLS and RESOLUTIONS HEARD:

SB 143 Allow for a referendum to terminate citizen initiated zoning district - Sen. John Esp

SB 158 Revise family transfer law - Sen. Jason Ellsworth

SB 173 Revise county road abandonment process laws - Sen. Kenneth Bogner

SB 319 Revise laws related to tracts of record - Sen. Ellie Boldman

EXECUTIVE ACTION TAKEN:

SB 130:

SB 130 Be Concurred In

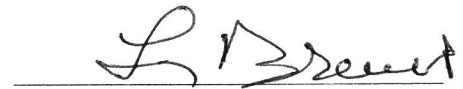
SB 142:

SB 142 Be Concurred In

SB 23:

SB 23 Be Concurred In

Comments:

A handwritten signature in black ink, appearing to read "L Brewster", is written over a horizontal line.

Rep. Larry Brewster-R, Chair

House

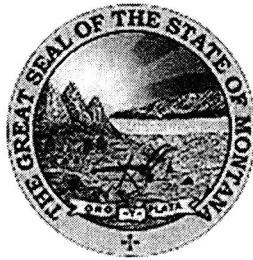
Roll Call

(H) Local Government

DATE: 03/21/2023

TIME: 3:00 PM

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
Bertoglio, Marta	X	
Cohenour, Jill	X	
Bishop, Laurie	X	
Galloway, Steven	X	
Gist, Steve	X	
Gunderson, Steve		X
Kortum, Kelly	X	
Sprunger, Courtenay	X	
Zolnikov, Katie	X	
Thane, Mark		X
Reksten, Linda	X	
Seekins-Crowe, Kerri	X	
Lynch, Jennifer	X	
Essmann, Sherry	X	
Kerns, Scot	X	
Brewster, Larry	X	



House Standing Committee Report

March 21, 2023

page 1 of 1

To the Speaker,

We, your committee on **(H) Local Government** recommend that **Senate Bill 23** (first reading copy – white) **Be Concurred In.**

Carrier: Rep. Galloway

Signed: _____

A handwritten signature in cursive script, appearing to read "Larry Brewster", written over a horizontal line.

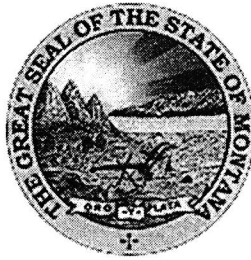
Rep. Larry Brewster-R, Chair

-End-

Committee Vote:

Yes 16, No 0

Handwritten initials or a signature in the bottom right corner of the page, possibly reading "BZ-21".



House Standing Committee Report

March 21, 2023

page 1 of 1

To the Speaker,

We, your committee on **(H) Local Government** recommend that **Senate Bill 130** (first reading copy – white) **Be Concurred In**.

Carrier: Rep. Zolnikov

Signed: 

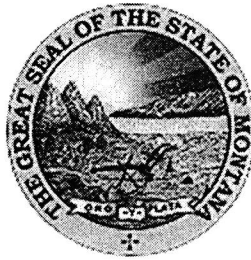
Rep. Larry Brewster-R, Chair

-End-

Committee Vote:

Yes 16, No 0

MR 3-21



House Standing Committee Report

March 21, 2023

page 1 of 1

To the Speaker,

We, your committee on **(H) Local Government** recommend that **Senate Bill 142** (first reading copy – white) **Be Concurred In.**

Carrier: Rep. Kerns

Signed: _____

Rep. Larry Brewster-R, Chair

-End-

Committee Vote:

Yes 11, No 5

HR 3-21

HOUSE COMMITTEE ON (H) LOCAL GOVERNMENT
March 21, 2023
VOTE TABULATION - SB 23

Rep. Bertoglio made a Motion that SB 23 Be Concurred In
YEAS – 16 NAYS - 0

Y	Bertoglio, Marta
Y	Cohenour, Jill
Y	Bishop, Laurie
Y	Galloway, Steven
Y	Gist, Steve
Y	Gunderson, Steve; by proxy
Y	Kortum, Kelly
Y	Sprunger, Courtenay
Y	Zolnikov, Katie
Y	Thane, Mark
Y	Reksten, Linda
Y	Seekins-Crowe, Kerri; by proxy
Y	Lynch, Jennifer
Y	Essmann, Sherry
Y	Kerns, Scot
Y	Brewster, Larry

HOUSE COMMITTEE ON (H) LOCAL GOVERNMENT
March 21, 2023
VOTE TABULATION - SB 130

Rep. Bertoglio made a Motion that SB 130 Be Concurred In
YEAS – 16 NAYS - 0

Y	Bertoglio, Marta
Y	Cohenour, Jill
Y	Bishop, Laurie
Y	Galloway, Steven
Y	Gist, Steve
Y	Gunderson, Steve; by proxy
Y	Kortum, Kelly
Y	Sprunger, Courtenay
Y	Zolnikov, Katie
Y	Thane, Mark
Y	Reksten, Linda
Y	Seekins-Crowe, Kerri; by proxy
Y	Lynch, Jennifer
Y	Essmann, Sherry
Y	Kerns, Scot
Y	Brewster, Larry

HOUSE COMMITTEE ON (H) LOCAL GOVERNMENT
March 21, 2023
VOTE TABULATION - SB 142

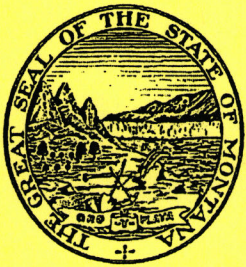
Rep. Bertoglio made a Motion that SB 142 Be Concurred In
YEAS – 11 NAYS - 5

Y	Bertoglio, Marta
N	Cohenour, Jill
N	Bishop, Laurie
Y	Galloway, Steven
Y	Gist, Steve
Y	Gunderson, Steve; by proxy
N	Kortum, Kelly
Y	Sprunger, Courtenay
Y	Zolnikov, Katie
N	Thane, Mark
Y	Reksten, Linda
Y	Seekins-Crowe, Kerri; by proxy
N	Lynch, Jennifer
Y	Essmann, Sherry
Y	Kerns, Scot
Y	Brewster, Larry

HOUSE COMMITTEE ON (H) LOCAL GOVERNMENT
March 21, 2023
VOTE TABULATION - SB 142

Rep. Cohenour made a Motion that SB0142.002.001 Be Amended
YEAS – 5 NAYS - 11

N	Bertoglio, Marta
Y	Cohenour, Jill
Y	Bishop, Laurie
N	Galloway, Steven
N	Gist, Steve
N	Gunderson, Steve; by proxy
Y	Kortum, Kelly
N	Sprunger, Courtenay
N	Zolnikov, Katie
Y	Thane, Mark
N	Reksten, Linda
N	Seekins-Crowe, Kerri; by proxy
Y	Lynch, Jennifer
N	Essmann, Sherry
N	Kerns, Scot
N	Brewster, Larry



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES
AUTHORIZED
COMMITTEE PROXY
68TH LEGISLATIVE SESSION

I request to be excused from the Local Gov't Committee.

I desire to leave my proxy vote with Rep. Zelnikov / Brewster

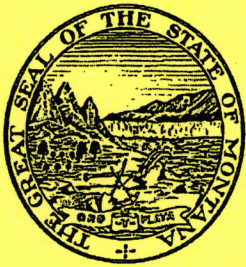
PLEASE USE PEN

BILL	MOTION (Include AMENDMENT #)	AYE	NO
SB23	do pass	X	
SB130	do pass	X	
SB142	do pass amendment 142.002.001		X
SB142	do pass	X	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. Zelnikov
for any amendments proposed on this date.

Rep. [Signature] Kerri Seekins-Crowe
(Signature) (Print Name) (Meeting Date)



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES
AUTHORIZED
COMMITTEE PROXY
68TH LEGISLATIVE SESSION

I request to be excused from the LOCAL GOVERNMENT Committee.

I desire to leave my proxy vote with Rep. GALLOWAY / 615T

PLEASE USE PEN

BILL	MOTION (Include AMENDMENT #)	AYE	NO
SB 23	Concurred in	X	
SB 130	Concurred in	X	
SB 142	Concurred in	X	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. GALLOWAY / 615T
for any amendments proposed on this date.

Rep.

(Signature)

(Print Name)

(Meeting Date)

[Signature]

STEVE GUNDERSON

3-21-23

LOH Remote Participant List									
Date	Committee	H/S	Bill #	Position	Requester Name	Location	Email	Phone	Affiliation
3/21/23	LOH	SB	143	Proponent	John Ostlund	BILLINGS MONTANA			Yellowstone County
3/21/23	LOH	SB	143	Opponent	Edward Barta	Nye, MT			Northern Plains Resource Council
3/21/23	LOH	SB	158	Proponent	Matt Cottle	Bigfork MT			N/A
3/21/23	LOH	SB	158	Proponent	Rob Arnaud	Gallatin Gateway MY			N/A
3/21/23	LOH	SB	158	Proponent	Terry Nelson	Stevensville, Montana			N/A
3/21/23	LOH	SB	158	Proponent	Kenton Hicketier	Seeley Lake			N/A
3/21/23	LOH	SB	158	Proponent	Curtis Hershberger	Denton Mt			N/A
3/21/23	LOH	SB	158	Opponent	Andrew Hagemeyer	Missoula, MT			Montana Association of Planners
3/21/23	LOH	SB	158	Opponent	Tim Worley	Missoula, MT			Missoula County
3/21/23	LOH	SB	319	Proponent	Tyler Gernant	Missoula, MT			N/A
3/21/23	LOH	SB	319	Proponent	Andrew Hagemeyer	Missoula, MT			Montana Association of Planners
3/21/23	LOH	SB	319	Proponent	Tim Worley	Missoula, MT			Missoula County
3/21/23	LOH	SB	319	Opponent	Kirk Adkins	Missoula, MT			Montana Association of Registered Land Surveyors (MARLS)







